

Senate Bill No. 877

Passed the Senate July 24, 2003

Secretary of the Senate

Passed the Assembly July 17, 2003

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day of
_____, 2003, at _____ o'clock __M.

Private Secretary of the Governor

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CHAPTER _____

An act to add Section 1054.10 to the Penal Code, relating to discovery, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 877, Hollingsworth. Criminal procedure: discovery.

Existing law, added by initiative statute, controls discovery obligations in criminal cases. In particular, existing law requires the prosecuting attorney and the attorney for the defendant to disclose to each other specified materials and information in his or her possession, or known to be in the possession of investigators, including, among other things, relevant real evidence seized or obtained as a part of the investigation of the offenses charged. This initiative measure also forbids attorneys, their employees, and others appointed by the court to disclose the addresses or telephone numbers of victims and witnesses in a criminal case to a defendant, the defendant's family, or any other person except as required to assist in the preparation of the defendant's case.

This bill would forbid the disclosure of copies of child pornography evidence by an attorney to a defendant, members of a defendant's family, or anyone else, except for the attorney's employees or court appointees if required for preparation of the case. The attorney would be required to inform persons provided this material that further dissemination of the material would be forbidden.

This bill would declare that it is to take effect immediately as an urgency measure.

The people of the State of California do enact as follows:

SECTION 1. Section 1054.10 is added to the Penal Code, to read:

1054.10. (a) Except as provided in subdivision (b), no attorney may disclose or permit to be disclosed to a defendant, members of the defendant's family, or anyone else copies of child pornography evidence, unless specifically permitted to do so by the court after a hearing and a showing of good cause.



(b) Notwithstanding subdivision (a), an attorney may disclose or permit to be disclosed copies of child pornography evidence to persons employed by the attorney or to persons appointed by the court to assist in the preparation of a defendant's case if that disclosure is required for that preparation. Persons provided this material by an attorney shall be informed by the attorney that further dissemination of the material, except as provided by this section, is prohibited.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure the proper handling of evidence of child pornography, it is necessary that this bill go into effect immediately.



Approved _____, 2003

Governor

